

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

WP(C).No. 29980 of 2006(R)

PETITIONER:

MUSTHAFA, AGED 36,
S/O. ABOOBACKERKUTTY, THOTTATHIL HOUSE,
PUTHERICKAL, PARAPPANANGADI DESOM,
MALAPPURAM DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY
SECRETARY, MINISTRY OF HOME AFFAIRS,
SECRETARIAT, TRIVANDRUM.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR, OFFICE OF THE DEPUTY SUPERINTENDENT OF
POLICE, TIRUR.
3. THE SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION,
PARAPPANANGADI.
4. SUBAIR, S/O. MOIDEENKUTTY,
THAIKKAKATH, CHETTIPADY, ALUNGAL BEACH,
MALAPPURAM DISTRICT.
5. LATHEEF, S/O. MUHAMMED,
KADALUNDIKKARANTEPURACKAL HOUSE,
CHETTIPADY, ALUNGAL BEACH,
MALAPPURAM DISTRICT.

6. SHUKKOOR, S/O. KUNJU MARAKKAR,
VAPPALINTEPURACKAL HOUSE,
CHETTIPADY, PARAPPANANGADI AMSOM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

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Dated this the 1st day of January, 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation is being conducted into Crime No.329/06 of the Parappanangadi Police Station in Malappuram District. According to him, he and his wife were assaulted by respondents 4 to 6 at about 8 p.m. on 29/10/2006. Both of them were admitted to a hospital on 30/10/2006. Their statements were not recorded promptly. After discharge from the hospital, the petitioner went to the police and lodged a First Information Statement on 4/11/06. The Sub Inspector of Police of the local Police Station has animus against the petitioner. He has not conducted any proper investigation. In these circumstances, it is prayed that the investigation may be directed to be conducted/completed by an efficient unbiased police official.

2. Notice was ordered to respondents 1 to 3. The learned Public Prosecutor has appeared on their behalf.

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The 2nd respondent has filed a statement. It is based on the investigation conducted by the Sub Inspector of Police. The report indicates that though the petitioner and his wife were admitted as inpatients in the hospital, they were not seen when the police official went to the hospital to record their statements on receipt of intimation. Further, it is reported that on a perusal of the investigation conducted by the Assistant Sub Inspector of Police and the 3rd respondent, it is revealed that no such incident had taken place as alleged and, in fact, the actual incident was one of secret gambling in which the petitioner and respondents 4 to 6 were involved.

3. The learned counsel for the petitioner, relying on various circumstances, urged that the report submitted by the 2nd respondent is inherently improbable and cannot be accepted.

4. I shall very carefully avoid any detailed discussions or expression of opinion on merits. I have gone through the statement filed by the 2nd respondent. The Case Diary has also been made available for my perusal. Suffice it to say that I am not at all satisfied that a proper and efficient investigation has been conducted in the matter. I find merit in the grievance of the petitioner that his grievance is not being properly attended

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to by the police. I am, in these circumstances, satisfied that the Superintendent of Police, Malappuram, must be directed to get the investigation conducted by a superior official of the police under his direct supervision. The needful shall be done within a period of two months and the final report shall be submitted to the court by such officer who the Superintendent of Police, Malappuram District, authorises to continue the investigation in this case.

5. This writ petition is, accordingly, allowed.

6. Hand over a copy of this judgment to the learned Public Prosecutor for being forwarded to the Superintendent of Police, Malappuram, for immediate action thereafter.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge